

THE CONSTRUCTION INDUSTRY WELFARE
FUND OF ROCKFORD, ILLINOIS and;
THE CONSTRUCTION INDUSTRY
RETIREMENT FUND OF ROCKFORD,
ILLINOIS,

V.

Defendants.

Judge Frederick Kapala
Magistrate Judge Michael
Mahoney

NOW COMES the Plaintiffs, THE CONSTRUCTION INDUSTRY WELFARE FUND OF ROCKFORD, ILLINOIS and THE CONSTRUCTION INDUSTRY RETIRMENT FUND OF ROCKFORD, ILLINOIS (hereinafter referred to as the "Plaintiffs" or the "Funds"), by and through their attorney, MARC M. PEKAY, P.C. and hereby move for an Entry of Judgment in the amount of Sixteen Thousand Four Hundred and Sixty Dollars and fifty seven cents (\$16,460.57) against Defendant, SINGLEY CONSTRUCTION, INC. In support of this Motion, Plaintiffs state as follows:

1. Plaintiffs filed their Complaint on June 25, 2008, seeking unpaid liquidated damages and an amount due pursuant to an audit.
2. The Defendant was served with the Complaint and Summons on July 12, 2008 (*Attached hereto as Exhibit A*).
3. The time in which the Defendant had to answer or otherwise plead has expired.

4. Defendant owes *Twelve Thousand Nine Hundred and Fifty Four Dollars and fifty five cents (\$12,954.55)* pursuant to an audit for the time period of January 1, 2006 through December 31, 2007 plus audit costs (*Attached as Exhibit B & E*). In addition, Defendant owes *One Thousand One Hundred and Seventy Nine Dollars and two cents (\$1,179.02)* in unpaid liquidated damages for May 2006 contributions that were not paid on time. (*Attached hereto as Exhibit C & E*).

5. Pursuant to the Employee Retirement Act of 1974 ("ERISA"), as amended, 29 U.S.C. §1132(g)(2), Section 301 of the Labor Management Relations Act ("LMRA"), as amended, 29 U.S.C. §185, the Agreement, and the Plaintiffs' respective Agreements, Defendant, is responsible for all reasonable legal fees that accrued as a result of the Funds having to collect on these delinquencies.

6. The total amount of legal fees and costs that have accrued on collecting on the above delinquencies is *Two Thousand Three Hundred and Twenty Seven Dollars (\$2,327.00)* (*Attached hereto as Exhibit D*).

WHEREFORE, Plaintiffs respectfully request that this Court enter an Order finding:

a. That a Judgment be entered against SINGLEY CONSTRUCTION INC. in the amount of Sixteen Thousand Four Hundred and Sixty Dollars and fifty seven cents (\$16,460.57) pursuant to an audit for hours worked from January 1, 2006 through December 31, 2007 plus audit costs, unpaid liquidated damages for May 2006 contributions that were not paid on time and legal fees and costs;

b. That SINGLEY CONSTRUCTION INC. be ordered to remain current in the payment of their contributions;

c. Any other further legal and equitable relief as this Court deems appropriate.

Respectfully submitted,

THE CONSTRUCTION INDUSTRY WELFARE FUND
OF ROCKFORD, ILLINOIS, *ET AL.*

By: s/Marc M. Pekay
MARC M. PEKAY, attorney for Plaintiffs

MARC M. PEKAY, P.C.
30 North LaSalle St.
Suite 2426
Chicago, IL 60602
(312) 606-0980